

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
NO. SUCR 2012-10863

1115

COMMONWEALTH

VS.

ANNIE DOOKHAN

COMMONWEALTH'S STATEMENT OF THE CASE

Now comes the Commonwealth and offers the following statement of facts. This statement does not constitute a bill of particulars, nor does it recite all the facts known to the Commonwealth, rather it is a summary of the facts.

The defendant, Annie Dookhan, was employed as a chemist in the drug analysis unit of the Hinton State Lab in Jamaica Plain, which tested drug evidence submitted by law enforcement across the state. The defendant was hired as a Chemist I in 2003, promoted to Chemist II in 2005, and resigned in March of 2012. In her capacity as a chemist, Dookhan would analyze drug evidence and at times testify in court as to her findings.

Until June of 2011, her work product was consistently the highest in the lab among her co-workers. In June a problem was discovered with the defendant's work. An evidence officer was in the process of scanning some drug samples back into the drug safe, when she discovered 90 samples of drugs had not been properly scanned out of the drug safe and that there was no

chemist assigned to the sample. Dookhan's name appeared on the control card as the primary chemist but in the evidence log book there were no initials of an evidence officer signing out the drug samples to her. On June 20, three of the defendant's supervisors met to discuss the problem and observed that there were no evidence officer initials in the log book for those 90 samples.

The next day, when Dookhan was confronted with the log book, the initials of Gloria Philips had suddenly appeared in the book. Dookhan denied knowledge of the discrepancies with the log book. She claimed to not remember how the samples got into her possession in the first place. Dookhan later confessed to investigators that she had written in Gloria Phillips' initials. During the investigation, it was determined that Dookhan did not follow proper protocol for signing out drug samples from the evidence room, and further tampered with evidence by forging the initials of an evidence officer to cover-up her misconduct.

In July of 2012, in accordance with legislation, control of the drug lab was transferred from Department of Public Health to Executive Office of Public Safety and Security. As a result of this transfer, a more extensive investigation into Dookhan's practices was initiated by the State Police. Massachusetts State Police investigators interviewed all the employees of the lab and questioned them about defendant's lab practices. The defendant was interviewed by investigators on August 28, 2012 and she admitted to "dry labbing" some of the samples. "Dry labbing" is the term used for the practice of merely visually identifying samples

instead of performing the required chemical test. It was discovered that Dookhan would assemble multiple drug samples from different cases that appeared to be the same substance. She would then perform the chemical tests on a few of the samples to verify that the samples were in fact the drug she believed they were, and if those were positive, would assume all the samples were positive without performing the necessary chemical tests.

Typically, a small amount of the drug sample is mixed into a vial by the primary chemist and then sent to a second testing stage to confirm the initial results. If the second test does not confirm the initial results, the vial is sent back to the primary chemist to concentrate and resubmit. When samples were sent back to Dookhan in this stage, she tampered with the vials before resubmitting them in order to make them consistent with the inaccurate and positive results reached as a result of her "dry labbing." Recent testing done on these samples by the Massachusetts State Police Crime Laboratory corroborates these allegations. Investigators were able to retest samples because Dookhan only altered the substances while they were in the testing vials. She did not alter the original samples.

The Commonwealth identified six specific instances where Dookhan tampered with the testing vials. Five of those cases originated in Suffolk County: Jeffrey Banks, Paul Flannelly, Stephen Goudreau, Paul Reeves, and Michael Vasquez. One case is from Bristol County: Eliezer Santiago. In the case of Jeffrey Banks, the drug certificate sworn by Dookhan that the substance was

cocaine was submitted to a Suffolk County grand jury. The grand jury relied on the drug analysis to indict Banks.

In a review of the defendant's work emails, investigators found a discovery packet that had been emailed to a prosecutor for a pending criminal case that contained an altered test. In that packet, Dookhan submitted a print out for a test designed to quantify the drug sample. In organizing the discovery information, the defendant realized that she had not printed out, or never ran, the quantifying analysis. To cover this mistake, the defendant ran the test using that the case sample number and submitted it with the discovery packet. The defendant obliterated the date the test was run. This particular machine has no capacity to save past analyses and the print date on the bottom of the document states May 5, 2011, nearly six months after the drug samples were returned to the submitting police agency. Again, the sample was not contaminated; in fact, it was no longer at the lab when this test was performed.

In fourteen separate criminal trials, the defendant testified as an expert witness regarding her job as a chemist in the drug lab. While under oath, she stated that she had a Master's degree in Chemistry from UMass Boston. This testimony was relied upon to establish a foundation for her credibility as an expert and the veracity of the drug certificate admitted into evidence. Further investigation revealed that she did not hold a Master's in Chemistry from the University of Massachusetts nor was she ever enrolled as a student in master's level classes.

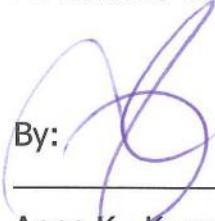
The defendant also perjured herself during her testimony in the Suffolk County trial of Commonwealth v. Blue. In that case, Dookhan testified that she had a Master's in Chemistry and was in charge of quality control. A review of the questioning by the prosecuting and defense attorney, as well as their closing arguments, reveals that Dookhan's qualifications were a material fact in the trial.

Respectfully submitted

For the Commonwealth,

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December 20, 2012